

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 2, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of Sept. 25, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

MANAGER APPLICATION OF ROBERT J. MORRIS FOR SYDRAN FOOD SERVICES III, LP DBA "CHILI'S SOUTHWEST GRILL" AT 6730 SOUTH 27TH STREET - Robert J. Morris, 3218 Wilhemina St., Bellevue, NE, took oath, came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF OUTBACK STEAKHOUSE FL, INC. DBA "OUTBACK STEAKHOUSE" TO EXPAND THEIR LIQUOR LICENSE FOR A SIDEWALK CAFÉ AREA APPROXIMATELY 30 FEET BY 6 FEET TO THE EAST AND WEST AT 633 NORTH 48TH STREET - Jacob North, 310 Skyway Road, Lincoln, NE, took oath, came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 RESIDENTIAL & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00R-272);

USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173);

SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) - Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of Krein Real Estate Inc. the developer of this property. We have three items, I may take just a little more than five minutes, but shouldn't be much longer. This is a 16 acre site that is located at approximately 56th Street and Waltz Rd. being slightly, somewhat south of Old Cheney Road. The property on the north is the miniature golf course and batting cage. The property across the street to the east, across 56th Street is the Trade Center and on the south and west are generally residential uses. It's kind of a difficult site because of it's topography. Beal Slough bisects the site from north to south or south to north depending on whether you want to go against or with the current. It's not good residential property because of the proximity to the commercial uses and 56th Street. We spent quite a little bit of time running over potential uses of this property with site plans and so forth and the initial site plan that we came up with had considerably more in the way of office space and so forth then what we are showing today. We took those initial plans to the neighboring property owners. We met with all of the property owners that abut the site on both the west and the south and had several meetings with them. As a result of those meetings the applicant has reduced all the buildings that are on the west side, west and south side of the creek from two story to one story. They have been designed so that the buildings will be built into the side of the hill to reduce the exposure of the buildings to the neighbors. They will also keep the profile of the buildings below the existing residential uses. We are also providing significant setbacks in excess of what is

required by the RT district in that area to the west and south of the creek. The RT district allows a 10' setback, we're showing 50. We've moved the parking around so that there is no parking visible from off the site. All the parking will be in front of the buildings. There will be no parking between the buildings and all the, so all the parking will be away from the residential uses. In addition to that we've provided a 6' screening fence all the way around the west and south sides of the property and that 6' fence, while it would meet the screening requirements in and of itself, that fence is 20' inside our property line and we are providing for additional landscaping on the outside, that is on the side the neighbors will see of that fence. And, we'll have gates in it, of course, to be able to get out there and maintain that area. We're proposing a floor area ratio for the commercial portion of this development at 11.5% which is less than half of what the Comprehensive Plan assumes for commercial development. The office portion, the RT portion is shown as 8% floor area ration. We are protecting over 70% of the site from any development whatsoever. In addition to that because this area has a considerable amount of flood plain through it we have graded the site in such a way or proposed to grade the site it such a way as any fill to be placed in the flood plain will be material that is removed from the flood plain so there is no net fill in the flood plain area. The flood elevations that we've used in calculating both the grading plan and the building elevations for this site are those that are from the Beal Slough Master Plan. The Beal Slough Master Plan, if you recall, is not, it's been adopted as part of the Comprehensive Plan, but it is not part of the City's regulatory floodplain. So, we are using a much more stringent standard for the fill and the building placement than would be required under the FEMA maps. We think this is a good project. We have oversized the culvert in Waltz Road that crosses Beal Slough. That culvert is actually larger than the box that currently is under Old Cheney Road. The sizing of our culvert was made necessary in part because of back water that would back up in a 100 year storm at Old Cheney Road. Also, the portion of the site that would be on the opposite side, or on the west side of Beal Slough that would go across this box culvert will be in the later phases of the plan, of the construction so that in the event there are improvements made as contemplated by the Beal Slough study upstream we may be able to reduce the size of that culvert. We made it as narrow as we could which is why we requested a small waiver of the size of that roadway that goes across the slough in order to minimize the amount of fill that goes into placement of that culvert. Again, we've sized it assuming that none of the improvements that are contemplated by the Beal Slough study upstream of this property are ever made. In the event they are made we may be able to reduce the size and therefore use even less fill than we do now. It was suggested to us at the Public Hearing that we use some bio-remediation techniques with respect to run-off from parking lots. All of that has been incorporated into the site. All of the run-off from parking lots will run through constructed wetlands before they get to Beal Slough, before it gets to Beal Slough, excuse me. And, we have agreed to dedicate a conservation easement on the outlot portion of the site so that what you see is what you get. There will be no additional development of this site. We have enjoyed a good relationship with the neighbors. They testified in favor of it in front at the Planning Commission. I don't know whether any of them are here today to testify in favor of the project, but one of the neighbors did suggest that if you had a doubts about that he would be willing to come next week to testify, he could not come today. The person who was kind of the elected spokes person for the neighbors was unable to attend today and could be here next week if the Public Hearing were left open if you so desire. I'll try to answer any questions you may have.

Jeff Fortenberry, Council Member: You have a potential user in mind currently?

Mr. Hunzeker: No. As far as I know. I can ask. I don't know if we have a particular, do we have users identified? At this time we do not, but we have no doubt that the commercial sites along 56th Street will be in high demand. There was a question that we dealt with at the Planning Commission about reducing the parking for that area. One of the reasons we don't want to do that is because we've anticipated that portions of those buildings may become things like Bagels & Joe or some, that's not, not a name that has signed a lease or anything like that, but an example of the type of use that if they go into those areas require more parking than a general commercial type use. So, we've got sufficient parking to allow for the possibility of a coffee shop or even a restaurant. Any more questions?

Terry Kubicek, 1800 South 53rd St., Lincoln, NE: I am appearing

more in a neutral position to offer Council that this standard should still meet FEMA standards of at least a no rise certification whether or not if they are still in or out of the flood plain floodway. And, the Council should take into consideration with Planning Dept. and Utilities that whatever the size of the culvert it will not do a backwater affect and cause area flooding, so that is an item of concern that should be inquired of the developers. Again, though you have a Beal Slough study and it has said very clearly that any further development in the flood plain or floodway will cause further downstream flooding. This proposed development will, in fact, add to further downstream flooding of the Beal Slough. I'll be happy to answer any questions.

Jerry Shoecraft, Chairperson: We have a question for Staff.

Coleen Seng, Council Member: Talk a little bit about why you gave a denial on RT?

Ray Hill, Planning Dept.: Basically, it's not in conformance with the Comprehensive Plan. We had met with several other perspective buyers of this piece of property and they indicated to them we could understand the situation on the north and east side of Beal Slough because of the fact that it was next to the Special Permit and across the street from the H-4 and we'd indicated that would be acceptable, but we felt that since it was zoned residential and it was a very sensitive site with the very steep slopes and the wooded area. The east and north side of Beal Slough was flat. Out of the flood plain very few trees would be destroyed so we figured that would be an excellent trade-off for a piece of property that was zoned residential and shown as residential on the Comprehensive Plan.

Mr. Hunzeker: I would just like to make a couple of comments. First of all, FEMA standards do not require no-rise certificate for this, however, Mark Benelli (inaudible) of Beal Slough has made such a certification for this site. We are not backing water up. The culvert was sized to accommodate water which will back up at Old Cheney because of the size of the box culvert that exists in Old Cheney. If improvements upstream are made as contemplated by the Beal Slough Study we may be able to reduce the size of the culvert that we're putting in. With respect to the property that is zoned residential, if you've been out past this site it's a very steep hill. It does have quite a few trees on it. We have attempted to place our office buildings on the west and north, or excuse me west and south sides of Beal Slough in such a way as to take advantage of areas where there are very few trees and to minimize the impact on trees on those areas. We feel that a residential development of that parcel would impact the trees much more than what we're showing here. By placing these buildings in clusters where the trees are relatively sparse we think we're having a lower impact on the site and I think that the neighbors who have looked at this site agree with that.

Jonathan Cook, Council Person: Can you address the run-off issue if this were developed residentially versus what you're doing?

Mr. Hunzeker: Depends a little on how you would develop it residentially. It would be very, very difficult, I think, to develop this as single family. Single family development of this site would probably have more impact in terms of losing trees and in terms of greater run-off than what we're showing here. Multi-family might be very similar although I have a feeling that doing multi-family in this might also result in more parking area being taken up. We're really, we're building these in 5,000 square foot buildings so a total of 35,000 sq. ft. of office space and parking associated with it would be, I don't remember, I ran the numbers once upon a time, what we could possibly do with this residentially. It seemed to me that it was somewhere in the 50 to 60 unit range in terms of multi-family so by the time you get space for those buildings and parking and drive-ways and so forth in and out I'm not sure that you'd gain anything at all. Obviously, anytime you put a building anywhere in the watershed there it creates impervious surface that will create some additional run-off and that's true whether you're building in a nominal flood plain or whether it's just a hill from the flood plain. So, I don't think that this project will contribute appreciably to the downstream problem, in fact it should help it some because we are making some channel improvements in cooperation with the NRD that will in fact implement parts of the Beal Slough Study that may not otherwise be implemented.

This matter was taken under advisement.

APPROVING AN "AT GRADE" STREET CROSSING ACROSS BURLINGTON NORTHERN SANTA FE RAILROAD PROPERTY IN W. INDUSTRIAL LAKE DR. - Rich Wiese, 730 Pier 3: I'm glad that this is coming before the Council for approval. When we attempted to save the Saline wetlands and we were successful at that we gave up the road on the east side of the Saline wetlands for an emergency

route coming from Pelican Bay housing back there to come out there, cross these railroad tracks for emergency vehicles to get out of there and then onto the main streets. And, everything's been completed, but this area across the tracks. The other thing is the Saline wetlands, there for a while this crossing, and I don't know who, but they took the barricades down slowly and they started crossing across there and the railroad never said anything and gradually the people were using that where they went to the Saline wetlands including buses from the school systems and a great number of people. The railroad finally blockaded that really strong and it was last April I met with Roger Figard and the Railroad about this because I was conducting a Salt Walk for IDD and it was important to have that railroad crossing back open at least for people to walk across it. Legally we could not do that because the railroad had it barricaded and their rights they were entitled to do that. So, at that meeting the Railroad agreed that if the City would provide insurance for that they would open it up for that Salt Walk. Well, I had an accident that day and was quite ill in the hospital, but the project did go on and I'm happy to say that we raised \$36,000 down there that Saturday for IDD. And, now this is becoming a reality. So it's good not only for the neighborhood, but for the fire protection, police protection, ambulance from Pelican Bay out of there. It'll complete that project and I ask for your approval.

Mr. Fortenberry: I'm interested just to walk through the Saline marshland areas will help with iodine deficiency. Is that what you said?

Mr. Wiese: No, let me backup on that.

Mr. Fortenberry: That's OK, I just ...

Mr. Wiese: This is tied in with IDD because on IDD the people in the third world countries particularly the children they're born with no iodine in their diet or in their body so through iodine through salt they get the prescribed iodine necessary so we were raising thousands and thousands of dollars to millions of dollars worldwide for iodine deficiency in the third world countries to eradicate these children from it and this was our goal that we met here in Lincoln. That's what it's about Jeff. Any other questions? Thank you very much.

This matter was taken under advisement.

SPECIAL PERMIT 1271F - APP. OF SOMERSET APARTMENTS, LTS., TO AMEND THE TRENDWOOD C.U.P. TO ADD 12 MULTI-FAMILY DWELLING UNITS, DELETE THE EXISTING TENNIS COURTS, REDUCE THE REQUIRED PARKING, REDUCE THE FRONT YARD SETBACK ALONG SOUTH 84TH ST., INCREASE THE CLUSTER DENSITY ABOVE 15 DWELLING UNITS PER ACRE, & PERMIT A 34' SEPARATION IN LIEU OF 40' BETWEEN THE NEW MULTI-FAMILY BUILDING & THE EXISTING CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT S. 84TH & VAN DORN STS. - Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of the Charter Group the owner of Summerset Apartments. This project is one which arises from the request, really, of tenants to the Summerset Apartments to have additional recreational space. The fact is nobody uses the tennis court that is in the location where we would like to place this building and we have had a number of requests from tenants to provide more of a weight room, fitness type facility. In trying to determine how we would be able to provide that facility and pay for it we looked at a variety of alternatives, but the one that we've settled on is placing a building on this site which will use the lower the level for the fitness center that everybody seems to want and to then use the upper levels as apartments. We increased the total number of units by 12 which increased the cluster density there from just under 15 units per acre to just over 16 units per acre which is the waiver we requested. It fits in very well. We actually have, we're able to provide sufficient parking to have to stalls per unit except for six units or six parking stalls which we requested to be waived. The reason we've asked for those to be waived is not that we don't have room to put them in, but if you've been out to the site you know this is a very heavily landscaped complex., in fact, one which, I think, stands out as an example of how heavy landscaping on a site can give it an appearance of a much more upscale complex it originally started out to be. This is a very nice complex and one which the developers have spent well over a \$100,000 in the last few years in additional landscaping and it really looks good. We did have concern expressed at that the Planning Commission relative to some parking in the street. We're aware that we have some tenants who do park on the street side of the complex because it's easier to get in and out if they use the doors that are supposed to be locked and used only as fire exists. We try to keep them locked, we, but people put things in the doors to keep them from going shut so they can use them for entrances and we're going to solve that problem by placing a wrought iron fence all the way around the project along the street side so that it will be very inconvenient for people to use the street to park and not go into the complex and park

where they're suppose to. We have a, just by way of touching all the bases here, we've got a requested waiver of a setback requirement which is a requirement that between two buildings that are three stories in height, there's a requirement that we have a 40' separation. We really don't have two buildings that are three stories in height, but we have one building that's three stories, the new building, and the existing club house which is one story. And, we would meet the 30' separation requirement for a two story or below. We don't meet the 40' and it's been interpreted that because one of our buildings is three stories we need 40. And, I think, if you go out and take a look at this site and look at the site plan 34' is what we are. Again, we probably could meet 40 if we tore out some landscaping. We chose to request the variance because it makes a lot more sense to maintain mature landscaping than to, than to go for that extra 6' of separation between two buildings in a situation like that. So, we no longer need the requested reduction in setback along 84th Street. We asked for it only because we didn't know for sure what the impact of the additional right-of-way taking for the 84th Street widening would be. It turns out that we still have the required setback along 84th Street even though we don't have a stand of trees that used to be along 84th Street. If there's any other questions I'd be happy to answer them. We've had very good reception from our neighbors with the exception of the gentleman who showed up at the Planning Commission. If there are any questions I'll try to answer them.

Mr. Cook: it looks like the opposition was primarily related to the parking on the street and it sounds like you're trying to handle that.

Mr. Hunzeker: That was, that was the major objection. The gentleman who came to the Planning Commission also had some photographs of some maintenance items that needed to be taken care of most of which were very minor, but had resulted from a storm that came through. I don't remember if it was early spring or possibly winter when we had some, some of the vinyl siding got ripped off the building in a couple of different spots. Those things had been contracted for prior to the Planning Commission meeting, they are now completed.

Mr. Cook: The other question though relates to parking the request for the waiver, the reduction from 2.0 to 1.97 there was a mention somewhere in here that, that was based on the observed vacancies in the parking lot, but my question is if people were parking on the street because they found it to be more convenient for whatever reason are now likely to park in the parking lot will that affect your expect to vacancy.

Mr. Hunzeker: We've had, we've taken pretty careful account of that. We know that parking is important to have for tenants and we have, part of the reason that we've had vacant parking is that some of it was right in front of the tennis court that nobody was using and so we had vacant parking in addition to what we think was being used in the street. And, again this is not, it's not as if we can't provide this because we could if we tore out some more of the additional, some of the mature landscaping along the north side of the site. We just felt like from the standpoint of, particularly neighbors to the north as well as the site itself on the interior we were all better served by asking for the six stall waiver then to tear out the landscaping to put in the additional parking.

Mr. Cook: At this point if this is constructed, this pretty well is a full build out of the area, I mean you don't see any additional buildings or (inaudible) in the future.

Mr. Hunzeker: I don't know where you'd put them. The site is fully developed, in my opinion. The question was also asked if the Planning Commission, in order to put another building on the site you would literally have to tear down a building and somehow reconfigure it and then you'd have to find a place to put parking. I really just don't, and any additional units would, of course, have to come back before the Council for any approval. I don't see that happening. I just don't see it being feasible to put any additional units on this site.

This matter was taken under advisement.

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS" & TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS" - DEPUTY CLERK requested a motion to delay Public Hearing & Action on Bill #00R-269 to Oct. 9, 2000.

SENG So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-59 - AMENDING THE 1994 LINCOLN/ LANCASTER COUNTY COMP. PLAN TO AMEND CHAPTER 4, TRANSPORTATION, AS IDENTIFIED IN THE "LONG RANGE TRANSPORTATION PLAN", REVIEW DRAFT REPORT - Mike Brienzo, Planning Dept.: This is the item before you today Chapter 4 of the Comprehensive Plan which is long range plan which we're proposing to amend in it's entirety as documented in this report that you received. The Long Range Transportation Plan is in need of being amended and we have two primary reasons why we're bringing it forward at this time is that one the '94 Plan is over 5 years old. Federal regulations require us to update it every 5 years so we need to bring that forward and to have a current plan for us so we can program projects and the development of our street and road network. And, another item is that it's very important to coordinate transportation network with the Land Use Plan and as you know the Land Use Plan was amended a while back and the transportation network was not amended accordingly and we fell a little bit behind so we're trying to catch up with that plan. In developing the plan, we utilize Staff as well as several citizen committees over the last 8 months. We established an LRTP or Long Range Transportation Planning Advisory Task Force which aided us in the overall process. A special StarTran Task Force was established to review the transit elements that went into this plan. And, a subcommittee of the Mayor's Trail, Pedestrian Committee was established to review the trails plan which was updated in this part of the document as well. The highlights of the plan, I can focus you on Figure 31, I have a copy here, I don't know how that comes across. There's several major features we would like to address. As you notice that the south and east beltways remain in the plan as a study as coming forward under a separate study. The Antelope Valley Roadway study is also coming forward in a separate amendment that you'll be reviewing that. It's before Planning Commission now. The, you notice the Interstate 80 system is identified as a six lane facility that was in the State's needs highway study as six lane and they are undertaking designs or preliminary designs for that facility from Omaha all the way to Grand Island at this time. That will be a very big feature to the plan. The East O Street improvements are under design. They're included in the plan as well as the completion of the 2+ center turn lane system for the built environment that's assumed in the overall plan. And, as you notice that we retained the high impact corridor status in this plan. We expect that to, going to go a little more extensive review as we get the 2+ center turn lane system completed and as we come forward with new land use plans in the near future. The biggest element of the plan is for the establishing of a four lane area. (inaudible) mile line arterials to the north and northwest as well as to the south and southeast. These streets are serving the growth, new growth areas in these directions as well as establishing a sufficient right-of-way for four lane facilities throughout these areas. Additional projects include the establishment of 98th Street as a rural surface roadway. There are two segments on 98th Street one mile north of O and one mile south of O that have not been developed and the proposal in this plan is to establish those as rural roadways so we can set aside in the right-of-way for a completion of that network. The other rural roadway connections that we need to establish are on Bluff Road. We would like to also look at those as potential surface roadways. There are some environmental sensitivities along 27th Street we need to look at, but is our desire to evaluate that and to come forward with the right-of-way needed to complete that system. Capital Parkway was completed in this plan from 56th Street to 84th Street is four lanes. Highway 2 was looked at as a possible six lane facility from Van Dorn to about 40th Street. There are also some intersection studies that we're proposing at 13th & Highway 2 as well as 48th and 56th Street and 84th Street & Highway 2 that should receive some more detailed attention in terms of engineering studies. The area to the west of Lincoln, West A Street neighborhood area is proposed to be surfaced or upgraded to an urban facility as a 2+ center turn lane system as well as establishing a viaduct over the railroad at Southwest 40th Street to provide the neighborhood with the additional access. Right now they're focused more on Coddington and West bypass. The Sun Valley Boulevard from West O to Cornhusker Highway was retained in this plan and Northwest 48th Street from West O to Highway 34 was also retained in this plan. And, we did add two new features to this plan: One is the capacity of enhancement studies which identifies a need for capacity in two areas, but it doesn't designate the exact street that we would apply that to. In the North Central Study Corridor, we're calling it, is from North 1st, it's either North 1st or North 14th. It's this area right here. It's centered on Interstate 180 on either side of that. The focus of that need is to complete a connection from Superior Street and the areas to the northwest to the Cornhusker area, Cornhusker Highway area and possibly to the Antelope Valley Study area. We didn't

want to get that ahead of the Antelope Valley study, but it is, they are potentially sensitive areas and we need to look at those closer to see what we can do in those areas. The other study corridor is in the 70th and North 84th Street area from O Street north to Cornhusker again. The idea there is either add capacity to 70th Street as it is identified in the existing transportation plan or to shift that capacity over to North 84th Street. The, if the 84th Street could suffice it would be a very large facility, but it may solve some (inaudible) problems that you might face on 70th Street. That will have to be looked at closer. Needs analysis study areas is another area that we added to this plan. We put six of these in there. These are identified, a need for a study or a preliminary where there is an in-depth look at six different areas, not necessarily needing, saying we need the capacity at this time, but understanding that these are areas that will need to be looked at in the near future. One was the Wilderness Park crossing at Yankee Hill Road. The concept there would be to go over the park at Yankee Hill to take advantage of capacity on the West Bypass and serve the growth areas to the south. And, that has been looked at previously in the Wilderness Park study and I do believe you have a letter addressing that, these issues. The other areas one would include the South 14th Street Corridor from Highway 2 to Old Cheney that would tie, that's an area that is seeing a lot of focus due to the growth to the south, the projected growth to the south. Humphrey & Pennsylvania Avenue are two areas to the north that are through acreage areas, but as those areas come into the City in terms of annexation we need to address those as potential connections to the east to west. U.S. Highway 34 is an improvement study area that the State is currently undertaking as well as the University Heights study area is an area that the Public Works Dept. is currently looking at now. I add that the Public Way Corridor was part of this as it went to Planning Commission. They wanted to take a further look at the Public Way Corridors that was still under review by them and so that will not be part of this amendment. To go over some of the other areas of County or the trails, but maybe it would be best to just entertain some questions at this time.

Deputy Clerk: I would like to note for the record that we did receive a letter from Gary & Phyllis Hergenrader in regard to this item. They were unable to attend.

Mr. Kubicek: I appear as a private citizen concerned with expenditures of public monies and as the president of Friends of Wilderness Park. I have an overall concern that I'd like to express first and foremost. If we're going to have comprehensive planning let's put the elements altogether and bring them to the City Council, Mayor's Office, and the general public as one package. Then we can honestly see if they fit together and if they don't where they need to be tailored or modified or conjoined. It's admitted here right off the bat that the Long Range Comprehensive, Long Range Transportation Plan will include separate studies for Beltways and Antelope Valley. Now, I have expressed before the Council my concerns about Antelope Valley transportation. It's a flawed study. The options on it have not considered least or less expensive options so it's reasonable to raise that issue as a concern about having a Comprehensive Plan that truly fits together and compliments each element. Specifically in terms of Wilderness Park there's an element of Needs Analysis Study area within this Long Range Transportation Plan. The area of a Yankee Hill crossing of Wilderness Park has been studied before. The traffic counts are in. We really do not need to study it further. That would be a wasteful expenditure of public monies and I would ask that that element be deleted. What we really need is a policy statement from the Council and the Mayor's Office that there will not be a new crossing of Wilderness park. It would damage the functions and values of Wilderness Park in terms of flood control, wild life habitat, aesthetics, and general recreational use. Those are reasons enough not to continue to pour public monies down this rat hole for private gain. In addition this area was discussed with a great deal of public participation in the subarea Wilderness Park plan, study and discussion. A plan that unfortunately was not published before City Council activity. And, if we're going to continue to do that, invite public participation, have a public plan, and then decisions are made in terms of public policies before the plan is even presented. This will undermine the credibility of this Council, the Mayor's Office, and the whole concept of public participation and democracy. I would respectfully ask that the element of a needs and analysis study in this Long Range Transportation Plan be omitted, be dropped. The money is not appropriated for it and let's have a policy decision that there will not be a new crossing at the Yankee Hill area, new crossing of Wilderness Park. I would thank you for the opportunity to present this information and would be happy to answer any questions.

Tim Knott, no address given: I represent myself today in opposition to including in the Long Range Transportation Plan and a Needs Analysis Study of a bridge over Wilderness Park connecting Yankee Hill Road and Highway 77. And, I'd also like to recommend that you remove that needs study from the transportation, Long Range Transportation Plan. I'd like to read a short section from a letter that Phyllis Hergenrader sent to the City-County Planning Commission recently. Mrs. Hergenrader has been a part of Wilderness Park mediation group, Yankee Hill Neighborhood Association and resident of that area and has done a lot of study on the transportation aspect of this proposal. She says it is recommended that a proposed needs analysis study should be included in the Comprehensive Plan for Yankee Hill Road, Highway 77 connection bridging Wilderness Park. As a tax paying citizen I must ask you how much of the taxpayers money is going to be spent in this area on this idea before it is ultimately rejected. The idea has already been studied on at least three or four different occasions using public funds. The Yankee Hill crossing at Wilderness Park was previously studied or previously included in the South Beltway Study as a Non-beltway Option No. 1. It was rejected by HWS Consulting firm for a variety of reasons, not the least of which were that the environmental regulations involved plus the likely litigation and associated costs that would ensue from any attempt to cross Wilderness Park with a new roadway. The Wilderness Park mediation group also considered the issue of new roads crossing Wilderness Park. Park management recommendations on page 3 & 4 of the Wilderness Park Subarea Plan that was adopted into the Comprehensive Plan states that no increase of human disturbance such as additional roads, trails, utility corridors and so forth should be permitted especially in the southern two-thirds of the Park. An S-1, S-2 Area Transportation Study by Olsson Associates was included as part of the Wilderness Park Subarea Study. The one option examined was the crossing of Wilderness Park. The consultants did recommend that Yankee Hill bridge connection between 14th Street and Highway 77 be put in place. However, in several important cases the recommendations that Olsson Associates made were not supported by the study data presented by Olsson Associates. Again, I repeat the question I started with, how many taxpayer dollars are going to be spent in studying this new crossing of Wilderness Park and Yankee Hill Road, at Yankee Hill Road. Is the answer really until somebody gets the answer they want, that is a Yankee Hill Road crossing. As a taxpaying citizen I object to the waste. The long range transportation plan has many great ideas and planned improvements in the transportation system. These improvements such as building the beltways, Antelope Valley, expanding the arterial road system, and widening Highway 2 from four to six lanes will go a long way to meeting Lincoln's future transportation needs. My recommendation is that before a needs analysis study for Wilderness Park crossing at Yankee Hill Road is put into the Comprehensive Plan and therefore in line to receive more taxpayer dollars the future planned roadway improvements and the long range transportation plan be completed let's make those improvements and then see what impact they have alleviating traffic problems. Let's not give the Needs Analysis more stature than it deserves by including it now in the Comprehensive Plan. And, I guess I just want to second those comments and also comments by Mr. Kubicek. We should not be considering this concept after so much work has been placed in mediation process to develop a better Wilderness Park. Thank you.

Mr. Hunzeker: Appearing on behalf of the Homebuilders Association in Lincoln. Our objection to this amendment to the Comprehensive Plan is fairly straight forward. What you see here is a change from the, in addition to the changes that were described to you earlier is a change from a requirement for all section line roadways to dedicate a 100' of public right-of-way for roads to 120'. Current Comprehensive Plan requires a 100' with an increase to 120' within a 1000' of major intersections. This plan would require a 120' all the way through every single section line road that's shown in future urban areas of the plan. We think that's excessive. We think it's unnecessary and I think if you ask the transportation planners who are here will tell you that their projections for the year 2025 do not justify in terms of traffic volume the construction of roadways that approach the configuration that they are designating for all these roads. If you look at the configuration that this 120' right-of-way involves, it is four turn lanes, two in each direction with dual left turn lanes and an auxiliary right turn lane at every leg of every intersection. Now, even if you have a road or an intersection of two roads where you have greater than 32,000 vehicles per day, which is the volume that is set out even in their own exhibit, you don't need that much to have four thru lanes other than at the intersections. So, we would simply request that you go back to the 100' of right-of-way with a 120' flares at major intersections where they're justified and not demand 120' of right-of-way every time

somebody comes along and happens to want to develop a piece of ground adjoining a section line road. We are giving up land now for, we're giving up additional easement land in the design standards which you just put on your Pending list for a week. We've given up additional land in the form of drainage way corridors which are not required before. We are being asked to give up expensive land every time we turn around here. It's adding to the cost of housing and for no good purpose. Now, we have a Public Way Corridor Study that's on the Planning Commission Agenda in which there is a debate ongoing about whether or not we need to go with great big boulevards almost exclusively for aesthetic reasons. That's a different question. It seems to me that in your Long Term Transportation Plan your focus ought to be on traffic volumes and justification based upon projected traffic volumes and none of the volumes that are projected by the build out scenario that are being used today justify that kind of a roadway with the possible exception, of I think, portions of one road. So, I would ask that you modify this and eliminate the 120' right-of-way designation except at major intersections of arterial streets. I don't have anything else to say, I'll try to answer any questions you have.

Richard Halvorsen, 6311 Inverness Road: And, I set in on some of those meetings for Wilderness Park where this, I'm against the bridge, the feasibility study for the bridge. And, there was not a public outcry for this bridge during these meetings. Most came from the private developer side at least at the meetings I attended. I also think it would be foolish to study, money on a study now when the Beltways not in place so we have no idea how future traffic patterns are going to be affected in this area. So, at minimum I would think this study should be put off until the Beltway is completed.

Mr. Camp: In regards to what Mr. Halvorsen said, Ray or someone in Planning, we really can't put this off can we on the study?

Mr. Brienzo: The study he's referring to is the Needs Analysis Study of the connection of Yankee Hill Road with the West Bypass. That was not intended to move ahead of the Beltways Study.

Mr. Camp: That's independent of the Transportation, Long Range Transportation?

Mr. Brienzo: That's a study that's identified in the Long Range Transportation Plan. This is something that will be looked at in the future. We felt that it was necessary to keep that in the plan in order to provide an opportunity to look at it as we grow to the south, as the Beltway gets in place and as a travel pattern is established in that area. It would, our concerns are that the north-south traffic on the 14th, 27th, 40th would, are just going to be more than the system can handle of this current configuration. This is something we want to, we felt that we weren't comfortable with eliminating it, but we weren't comfortable putting it in the plan as a facility at the same time so we just wanted to keep that in the plan as a potential for some date in the future and it would probably be, wouldn't be taken out unless directed to do so.

Mr. Fortenberry: I had a similar question as a part of the Wilderness Park Study, that was one of the issues under discussion. The Council asked me earlier as the Council Representative to review that with them, unfortunately I was trying to go off memory. There was a Traffic Analysis of that area presented. There was, I guess, it's easiest to say opposition to the concept yet openness to the potential other road widenings such as at Old Cheney in case there was a significant need for east-west movement near the park as things developed. Now, that again is a general summary of (inaudible) feeling and there was no, as far as I can remember, definitive statement about that. Now, is that correct, is that a pretty precise summary, did I misrepresent what actually happened to the Council? And, then as a follow-up do we, what is the purpose? Do we really need this needs assessment? Is that not sending the wrong signal in light of other concerns expressed in light of the other community issues that have been deliberated regarding protection and enhancement of Wilderness Park?

Mr. Brienzo: There was some statements made as to their concern with putting a road through the park and additional break in the park so we did look at the concept of going over it and that's been done in many environmentally sensitive areas where they can just put footprints in where the structures will be in place. Other than that it would bridge the park. Olsson Associates did study it. They said that they didn't have time to do detailed impact studies of what the impacts would be, but did feel that it would, the capacity that it would handle was sufficient to look more detailed to see if it was cost effective. They thought it would be from a very general view point. There were some people on the committee that were concerned that it would still damage the park in some fashion. In terms ...

Mr. Fortenberry: I'm correct there was never really a definitive statement issued that it would be acceptable, non-acceptable to continue to study the issue. Now, is that clear? However, I think that general sentiment was strong, strong concern if that would be the right way of capturing a lot of different opinions about the issue.

Mr. Brienzo: There was a large group of people on the committee that did view those sentiments that were hesitant to agree to any type of new crossing. The, but at that time, too, they suggested that the Old Cheney Road could be widened or maintained in some fashion, but that was before we came to understand it. It we were going to put the Beltway in the State wants the West Bypass to be upgraded to a freeway status which would potentially eliminate that access. So, we're coming up ...

Mr. Fortenberry: On Old Cheney's Access?

Mr. Brienzo: Direct access to the West Bypass. So there's some potential items that came into play after that study that we didn't know about at that time.

Mr. Fortenberry: Kent, help me out. You remember all of this.

Kent Morgan, Planning Dept.: Yes, you're correct that there really was some indecision. The report came in, the transportation element came in very late in the process and I don't think there was any clearer consensus. There are elements in the report itself such as the reference to the crossing of the two-thirds. The sentence actually follows that particular quote talks about any disturbance that is allowed should be carefully mitigated to minimize the disturbance of natural systems. So, there was a recognition there that, yes, we didn't want that as a primary option, but if we were going to do it we had to do it at some point in the future we had to take into consideration all the different factors, environmental, social, etc. So, what we're trying to do is say there's a possibility in the future we may need to go back and revisit this. I think the elected officials in the past have indicated the desire to indicate to the community as a whole and in the future that if we're going to be looking at something to give them some fair warning. As we look at the corridor down there there are some severe traffic problems that are coming forward. We felt it was in the best interest of the community to say we may have to go back and look at this again. We're only trying to be fair with everyone, to be up front with everyone. We're not proposing that there be a crossing installed, simply that there be some future study, some look at that when the condition warranted. So, that's all we're trying to do with this particular proposal as part of the RTP. It's really the, Wilderness Park was not, there was no definitive action either way. So, you're correct.

Mr. Fortenberry: Not to say there probably wouldn't have been had that issue sort of not gotten a bit lost in terms of the overall project discussion, er concept discussion.

Mr. Morgan: Right. Right. Correct.

Mr. Fortenberry: What is the exact language that refers to this in the report?

Mr. Brienzo: I don't have the report in hand

Mr. Morgan: Are you talking about the Comp Plan Amendments or ...?

Mr. Fortenberry: The portion that addresses a Needs Analysis Study of the crossing of Wilderness Park at Yankee Hill.

Mr. Morgan: The only reference is a general reference describing the Needs Analysis and what that is in a general sense and just a generic sense as it appears elsewhere and then on the map on Figure 31 there's simply an indication that that would be one of the areas. I really see it as a larger, as a larger package because we also identified South 14th Street. The intersection at 14th, Old Cheney, and Warlick Blvd. was also identified. So, to me it's really a larger system issue. It's not simply the crossing of Wilderness Park, but it's a larger area issue as development occurs in the south. We know that there's going to be some traffic issues facing us and again we just want to be up front with people indicating that we're going to have to take a harder look at this in the future. So, there's no explicit reference to that per se.

Mr. Fortenberry: Should the Council wish to strengthen this particular sentence that says, "these studies should include consideration of social, environmental, economic impacts", of any possible improvement mitigating further the language which would target this as a potential crossing to really reflect, it may not be the desire of the entire Council I don't know, but to reflect the protection of the Park is a very high priority issue in this regard.

Mr. Morgan: Definitely. Right. And, we're very sensitive to the issues and we understand that, but certainly if you want to (inaudible) this.

Mr. Fortenberry: Thank you.

This matter was taken under advisement.

ORDINANCES - 3RD READING

CREATING ORNAM. LIGHTING DIST. 283 IN WOODS AVE. FROM 33RD ST. EAST TO S. 38TH ST. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, creating Ornam. Lighting Dist. 283, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, & repealing all ordinances & parts of ordinances in conflict herewith, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17732**, is recorded in Ordinance Book 24, Page

CREATING ORNAM. LIGHTING DIST. 284 IN 25TH ST. FROM VAN DORN TO HIGH STS. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, creating Ornam. Lighting Dist. 284, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, & repealing all ordinances & parts of ordinances in conflict herewith, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Cook, Johnson; NAYS: Camp, Fortenberry, McRoy, Seng, Shoecraft.

The ordinance, having **LOST**, was assigned File **#38-4346**, & was placed on file in the Office of the City Clerk.

AMENDING SEC. 14.70.040 OF THE LMC TO REMOVE THE REFERENCES TO SIDEWALKS FROM THE AREA THE CITY PUBLIC WORKS DEPT. IS REQUIRED TO BACKFILL FOR CUTS, TRENCHES, OR EXCAVATION - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 14.70.040 of the LMC to delete references to "sidewalk" which will allow plumbers & utility contractors to backfill areas under sidewalks; & repealing Sec. 14.70.040 of the LMC as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17733**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3276 - AMENDING CHAPTER 27.33 OF THE LMC TO REQUIRE FENCES TO SCREEN AUTOMOBILE LOTS, SERVICE STATIONS, APPLIANCE SALES, & REPAIR OPERATIONS IN THE B-3 ZONING DIST. WHEN LOCATED WITHIN 100' OF ANY RESIDENTIAL USE OR DISTRICT; TO MAKE THOSE USES CONDITIONAL USES; & TO PROHIBIT THOSE AS NEW USES WITHIN 100' OF RESIDENTIAL USES OR DISTRICTS - PRIOR to reading:

COOK Moved to amend Bill #00-167 on page 6, line 7, strike the words, "service station or" & on page 6, line 24, insert a new subparagraph (5) to read as follows: (5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.33 of the LMC by amending Sec. 27.33.020 to delegate service stations & automobile & appliance sales & repair facilities as permitted uses in the B-3 Zoning Dist.; amending Sec. 27.33.030 to require fences to screen service stations & automobile or appliance sales & repair facilities in the B-3 Zoning Dist. when located within 100' of any residential use or district, to make those uses conditional uses, & to prohibit those as new uses within 100' of residential uses or districts; & repealing Secs. 27.33.020 & 27.33.030 of the LMC as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17734**, is recorded in Ordinance Book 24, Page

VACATING CHARLESTON ST. BETWEEN I-180/N. 6TH ST. & SUN VALLEY BLVD. - DEPUTY

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CLERK read an ordinance, introduced by Jonathan Cook, vacating Charleston St. between I-180/N. 6th St. & Sun Valley Blvd., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17735, is recorded in Ordinance Book 24, Page

RENAMING SPECIFIC STREETS WITHIN NORTH HILLS PRE. PLAT GENERALLY LOCATED AT N. 14TH & MORTON STS. AS FOLLOWS: SHOOTING STAR DR. WEST FROM 15TH ST. RENAMED AS "PEGRAM DR."; SNOWFLAKE DR. RENAMED AS "KENNEDY DR."; SNOWFLAKE CT. RENAMED AS "KENNEDY CT."; & PATRICK CT. RENAMED AS "MAZE CT." - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, changing the name of specific streets in North Hills Pre. Plat generally located at N. 14th & Morton Sts., as recommended by the Street Name Committee, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17736, is recorded in Ordinance Book 24, Page

AMENDING SEC. 21.56.170 OF THE LMC TO ALLOW REFUSE & GARBAGE REMOVAL SERVICE ONCE A WEEK WHEN CERTAIN RECEPTACLES OR CONTAINERS FOR THE STORAGE OF GARBAGE ARE PROVIDED - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 21.56.170 of the LMC relating to refuse & garbage handling within a mobile home court or trailer court to allow refuse & garbage removal service once a week when certain receptacles or containers for the storage of garbage are provided; & repealing Sec. 21.56.170 of the LMC as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17737, is recorded in Ordinance Book 24, Page

AMENDING THE LMC BY CREATING A NEW TITLE 7, AMBULANCE TRANSPORTATION CODE, TO ESTABLISH A PROCESS BY WHICH PERSONS MAY APPLY FOR & RECEIVE A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE, TO ESTABLISH EMERGENCY AMBULANCE SERVICE TO BE PROVIDED BY THE CITY, & TO ESTABLISH A PROCESS FOR THE PROVISION OF STAND-BY AMBULANCE SERVICE BY ADDING SECTIONS 7.04.010 TO 7.04.210 WHICH SECTIONS SET FORTH DEFINITIONAL TERMS INCLUDING AMBULANCE, AMBULANCE SERVICE, AREA OF CITY SERVICE, EMERGENCY AMBULANCE SERVICE, EMERGENCY CALL, EMERGENCY MEDICAL SERVICES, EMERGENCY MEDICAL SERVICES OVERSIGHT, EMERGENCY MEDICAL TECHNICIAN (EMT), EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-1), EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P), LICENSE, MEDICAL CARE PROTOCOLS, MEDICAL DIRECTOR, 911 CENTER, OPERATOR, PATIENT, PERSON, ROUTINE AMBULANCE SERVICE, STAND-BY AMBULANCE SERVICE, TRIP RECORD, TO BE USED IN TITLE 7; SEC. 7.06.010 PROVIDING THAT NO PERSON SHALL OPERATE WITHIN THE CITY OF LINCOLN A ROUTINE AMBULANCE SERVICE WITHOUT FIRST HAVING OBTAINED A LICENSE THEREFOR; SEC. 7.06.020 ESTABLISHING A PROCESS BY WHICH A PERSON MAY MAKE APPLICATION FOR A LICENSE TO PROVIDE ROUTINE AMBULANCE SERVICE; SEC. 7.06.030 PROVIDING A PROCESS BY WHICH A LICENSE FOR OPERATION OF A ROUTINE AMBULANCE SERVICE MAY BE ISSUED; SEC. 7.06.040 SETTING FORTH THE TERM OF SUCH LICENSE; SEC. 7.06.050 SETTING FORTH THE FORM & CONTENT OF A LICENSE; SEC. 7.06.060 SETTING FORTH THE STANDARDS FOR AMBULANCE EQUIPMENT IN THE OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.070 SETTING FORTH THE STANDARDS OF OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.080 REQUIRING INTERCONNECTION BETWEEN THE 911 CENTER & A ROUTINE AMBULANCE SERVICE; SEC. 7.06.090 SETTING FORTH DISPATCH REQUIREMENTS; SEC. 7.06.100 SETTING FORTH THE RIGHT OF THE CITY TO AUDIT & INSPECT RECORDS OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.110 SETTING FORTH RECORDS & REPORTS WHICH SHALL BE KEPT BY A ROUTINE AMBULANCE SERVICE; SEC. 7.06.120 SETTING FORTH THE INSURANCE REQUIREMENTS FOR A ROUTINE AMBULANCE SERVICE; SEC. 7.06.130 SETTING FORTH THE PROCESS BY WHICH THE CITY MAY SUSPEND OR REVOKE A LICENSE FOR THE OPERATION OF A ROUTINE AMBULANCE SERVICE; SEC. 7.06.140 SETTING FORTH THE PENALTIES FOR OPERATING A ROUTINE AMBULANCE SERVICE WITHOUT FIRST OBTAINING A LICENSE THEREFOR; SEC. 7.08.010 SETTING FORTH THE FIRE DEPT.'S AUTHORITY TO PROVIDE AMBULANCE SERVICE NECESSARILY INCLUDING EMERGENCY AMBULANCE SERVICE & SETTING FORTH THE PROCESS BY WHICH FEES FOR SUCH SERVICE WILL BE SET BY CITY COUNCIL; SEC. 7.08.020 ESTABLISHING THE AMBULANCE FUND; SEC. 7.08.030 SETTING FORTH THE CITY'S AUTHORITY TO ENFORCE THE COLLECTION OF FEES FOR AMBULANCE SERVICE PROVIDED BY THE CITY; SEC. 7.08.040 MAKING IT UNLAWFUL FOR ANY PERSON OTHER THAN THE CITY OF LINCOLN TO FURNISH EMERGENCY AMBULANCE SERVICE, DEFENSES TO SUCH PROSECUTION & EXCEPTIONS, & THE PENALTIES UPON CONVICTION THEREOF; SEC. 7.08.050 SETTING FORTH THE MAXIMUM DESIRED RESPONSE TIME IN THE PROVISION OF EMERGENCY

AMBULANCE SERVICE - PRIOR to reading:

COOK Moved to accept Substitute Ordinance No. 2.
Seconded by McRoy & carried by the following vote: AYES: Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Camp, Johnson.

CAMP Moved to indefinitely postpone Bill No. 00-155.
Seconded by Johnson & carried by the following vote: AYES: Camp, Fortenberry, Johnson; NAYS: Cook, McRoy, Seng, Shoecraft.

DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending the LMC by creating a new Title 7, Ambulance Transportation Code, to establish a process by which persons may apply for & receive a license to provide routine ambulance service, to establish emergency ambulance service to be provided by the City, & to establish a process for the provision of stand-by ambulance service by adding Sections 7.04.010 to 7.04.210 which sections set forth definitional terms including Ambulance, Ambulance Service, Area of City Service, Emergency Ambulance Service, Emergency Call, Emergency Medical Services, Emergency Medical Services Oversight, Emergency Medical Technician (EMT), Emergency Medical Technician - Intermediate (EMT-1), Emergency Medical Technician - Paramedic (EMT-P), License, Medical Care Protocols, Medical Director, 911 Center, Operator, Patient, Person, Routine Ambulance Service, Stand-by Ambulance Service, Trip Record, to be used in Title 7; Sec. 7.06.010 providing that no person shall operate within the City of Lincoln a routine ambulance service without second having obtained a license therefor; Sec. 7.06.020 establishing a process by which a person may make application for a license to provide routine ambulance service; Sec. 7.06.030 providing a process by which a license for operation of a routine ambulance service may be issued; Sec. 7.06.040 setting forth the term of such license; Sec. 7.06.050 setting forth the form & content of a license; Sec. 7.06.060 setting forth the standards for ambulance equipment in the operation of a routine ambulance service; Sec. 7.06.070 setting forth the standards of operation of a routine ambulance service; Sec. 7.06.080 requiring interconnection between the 911 Center & a routine ambulance service; Sec. 7.06.090 setting forth dispatch requirements; Sec. 7.06.100 setting forth the right of the City to audit & inspect records of a routine ambulance service; Sec. 7.06.110 setting forth records & reports which shall be kept by a routine ambulance service; Sec. 7.06.120 setting forth the insurance requirements for a routine ambulance service; Sec. 7.06.130 setting forth the process by which the City may suspend or revoke a license for the operation of a routine ambulance service; Sec. 7.06.140 setting forth the penalties for operating a routine ambulance service without second obtaining a license therefor; Sec. 7.08.010 setting forth the Fire Dept.'s authority to provide ambulance service necessarily including emergency ambulance service & setting forth the process by which fees for such service will be set by City Council; Sec. 7.08.020 establishing the ambulance fund; Sec. 7.08.030 setting forth the City's authority to enforce the collection of fees for ambulance service provided by the City; Sec. 7.08.040 making it unlawful for any person other than the City of Lincoln to furnish emergency ambulance service, defenses to such prosecution & exceptions, & the penalties upon conviction thereof; Sec. 7.08.050 setting forth the maximum desired response time in the provision of emergency ambulance service, the third time.

COOK Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Shoecraft; NAYS: Camp, Fortenberry, Johnson.

The ordinance, being numbered **#17738**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 2.20 OF THE LMC RELATING TO THE FIRE DEPT. BY AMENDING SEC.

2.20.010 TO BROADEN THE FIRE CHIEF'S DUTIES TO INCLUDE THE MANAGEMENT OF A CITY AMBULANCE PROGRAM TO PROVIDE EMERGENCY AMBULANCE SERVICE, & TO PERFORM RECORD KEEPING & REPORTING DUTIES ASSOCIATED THEREWITH, INCLUDING FINANCIAL RECORDS, TRIP RECORDS, & DAILY LOGS; AMENDING SEC. 2.20.080 TO BROADEN THE FIRE CHIEF'S OR THE OFFICER'S IN COMMAND AUTHORITY TO DIRECT SUCH OPERATION AS MAY BE NECESSARY TO PROVIDE OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES INCLUDING TRANSPORTS AT THE SCENE OF A FIRE OR OTHER EMERGENCY INVOLVING THE PROTECTION OF LIFE OR PROPERTY - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.20 of the LMC relating to the Fire Dept. by amending Sec. 2.20.010 to broaden the Fire Chief's duties to include the management of a city ambulance program that will provide emergency ambulance service, & to perform record keeping & reporting duties associated therewith, including financial records, trip records, & daily logs; amending Sec. 2.20.080 to broaden the Fire Chief's or the officer's in command authority to direct such operation as may be necessary to provide out-of-hospital emergency medical services including transports at the scene of a fire or other emergency involving the protection of life or property; & repealing Secs. 2.20.010 & 2.20.080 of

the LMC as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Shoecraft; NAYS: Camp, Fortenberry, Johnson.

The ordinance, being numbered #17739, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1271F - APP. OF SOMERSET APARTMENTS, LTS., TO AMEND THE TRENDWOOD C.U.P. TO ADD 12 MULTI-FAMILY DWELLING UNITS, DELETE THE EXISTING TENNIS COURTS, REDUCE THE REQUIRED PARKING, REDUCE THE FRONT YARD SETBACK ALONG SOUTH 84TH ST., INCREASE THE CLUSTER DENSITY ABOVE 15 DWELLING UNITS PER ACRE, & PERMIT A 34' SEPARATION IN LIEU OF 40' BETWEEN THE NEW MULTI-FAMILY BUILDING & THE EXISTING CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT S. 84TH & VAN DORN STS. - PRIOR to hearing:

JOHNSON Moved to amend Bill #00R-268 on page 1, lines 11 & 12, to delete the language "by Instrument No. 00-015306 and on page 2, line 10, delete the number 402 & insert in lieu thereof the number 400.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80458 WHEREAS, Somerset Apartments, Ltd. has submitted an application designated as Special Permit No. 1271F for authority to amend the Trendwood Community Unit Plan to add 12 multi-family dwelling units, delete the existing tennis courts, reduce the required parking, reduce the front yard setback along S. 84th Street, increase the cluster density above 15 dwelling units per acre, and permit a 34 foot separation in lieu of 40 feet between the new multi-family building and the existing clubhouse, on property generally located at S. 84th Street and Van Dorn Street, and legally described as:

Lot 1, Block 5, Trendwood 9th Addition, located in the Southeast Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska (except that portion deeded to the City of Lincoln, NE by Instrument No. 00-015306);

WHEREAS, the real property adjacent to the area included within the site plan for this Community Unit Plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Somerset Apartments, Ltd., hereinafter referred to as "Permittees", to amend the Trendwood Community Unit Plan to add 12 multi-family dwelling units, delete the existing tennis courts, reduce the required parking, reduce the front yard setback along S. 84th Street, increase the cluster density above 15 dwelling units per acre, and permit a 34 foot separation in lieu of 40 feet between the new multi-family building and the existing clubhouse, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that development of said amended Community Unit Plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. A maximum of 368 total dwelling units.
 - b. A reduction of required number of parking spaces from 408 to 402.
 - c. An increase of cluster density from 15 dwelling units per acre to 16.2 dwelling units per acre.
 - d. A 34 foot separation in lieu of a 40 foot separation between the new multi-family building and the existing clubhouse.
 - e. A reduction the front yard setback along S. 84th Street for the new building if applicable.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final site plan, including five copies, as approved by the City Council.
 - b. The construction plans must conform to the approved plans.
3. Before occupying the dwelling units all development and

construction must be completed in conformance with the approved plans.

4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173)- PRIOR to reading:

JOHNSON Moved to delay action on Bill No. 00R-271 to 10/9/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) - PRIOR to reading:

JOHNSON Moved to delay action on Bill No. 00R-272 to 10/9/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

APP. OF ST. TERESA'S CATHOLIC CHURCH AT 735 S. 36TH ST. TO CONDUCT A RAFFLE WITHIN THE CITY - DEPUTY CLERK requested a motion to set hearing date of 10/9/00 at 1:30 p.m.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Use Permit No. 99-B - App. of Union Bank to revise the existing Use Permit to enlarge the ground sign on Lot 1 from 32 sq. ft. to 70 sq. ft. at South 27th St. & Pine Lake Road.

Special Permit No. 1313-A - App. of Hampton Enterprises to permit the temporary storage of construction equipment & materials as per Chapter 27.63.590 of the LMC at 5401 S. 84th St.

Special Permit No. 1860 - App. of Qwest Wireless to construct a wireless tower at 220 N. 66th Street.

Special Permit No. 1873 0 App. of B & J Partnership, Ltd. for wireless communication facility at 4700 Antelope Creek Rd.

Special Permit No. 1875 - App. of Qwest Wireless to build a new monopole wireless tower at 50th & Prescott.

Special Permit No. 1877 - App. of Our Savior's Lutheran Church to increase lot coverage for facility addition & increased parking from 15% to 20% at 1200 S. 40th St.

Special Permit No. 1878 - App. of Qwest Wireless to construct wireless tower at 1701 Windhoek.

Special Permit No. 1879 - App. of Qwest Wireless to construct a wireless tower at 5201 B Street.

Special Permit No. 1880 - App. of Qwest Wireless to construct a wireless tower at 84th & A St., Indian Hills Church.
Change of Zone No. 3248 - App. of M & S Construction from I-2 to B-2 at NW 48th St. & W. Adams.
Change of Zone No. 3286 - App. of Elliott & Lynne Rustad from R-3 to B-2 at N. 27th St. & Folkways.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPT. 18, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80464 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 09/15/00)

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS AUG. 31, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF JULY, 2000 FROM: ATS MOBILE; AUG., 2000: ASSN. ADMINISTRATORS, NEXTLINK, LONG DISTANCE OF MICHIGAN, SPRINT SPECTRUM, AFFINITY, EQUALITY, LINCOLN CELTELCO, ATS MOBILE, ATS, I-LINK COMM., BIG PLANET, TRI-M, GLYPHICS, AT&T COMM. OF THE MIDWEST, NETWORK BILLING SYSTEMS, NETTEL CORP., SPRINT - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

APPROVING THE 2000-2001 CITY TAX RATE OF .32387 PER \$100 OF ASSESSED VALUATION - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80454 A RESOLUTION establishing a final property tax levy for the City's 2000-2001 fiscal year.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 26, 2000, which date was at least five days prior to October 2, 2000 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2000-2001 fiscal year for a property tax request of \$31,159,362.00:

\$.32387 per \$100 of assessed valuation
which total rate is comprised of the following:

Bond Interest & Redemption	.06356
General	.18692
Library	.04673
Social Security	.01576
Police and Fire Pension	<u>.01090</u>
Total	0.32387

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPT. 1-15, 2000 - PRIOR to reading:

JOHNSON Moved to accept a substitute resolution for Bill No. 00R-265.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
JOHNSON Moved to delay action on claim of Emily B. Copper.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80455 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated September 18, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED</u>
Karen Buell	\$ 305.75	Scott Tisthammer \$2,500.00
Victor Medley, Father &		Doris & Doug Minchow 50.00
Next Friend of Joshua Medley	100,000.00	
Doris Abbott	352.90	
Emily B. Copper	3,770.21	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., NOV. 13, 2000 AT 10:00 A.M. ON THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80461 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the City Clerk be and he is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the 6th day of November, 2000, at 1:30 p.m. assess the improvements in the following special assessment districts:
Alley Paving District No. 357
Sidewalk District No. 93
Repaving District No. 150
Water District No. 1180

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, November 13, 2000, at 10:00 a.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNED ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPT., 2000 - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80465 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended August 31, 2000, \$335,875.17 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

MANAGER APPLICATION OF ROBERT J. MORRIS FOR SYDRAN FOOD SERVICES III, LP DBA "CHILI'S SOUTHWEST GRILL" AT 6730 SOUTH 27TH STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:
A-80446 WHEREAS, Sydran Food Services III, LP dba "Chili's Southwest Grill" located at 6730 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert J. Morris

be named manager;

WHEREAS, Robert J. Morris appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert J. Morris be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF LINCOLN SPAGHETTI WORKS, INC. DBA "SPAGHETTI WORKS" FOR AN ADDITION OF AN AREA MEASURING 22 FEET BY 106 FEET TO THE SOUTHEAST OF ITS PRESENTLY LICENSED PREMISES AT 228 NORTH 12TH STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80447 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Spaghetti Works, Inc. dba "Spaghetti Works" to expand its licensed premises by the addition of an area measuring 22 feet by 106 feet to the southeast of the presently licensed premises located at 228 North 12th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF OUTBACK STEAKHOUSE FL, INC. DBA "OUTBACK STEAKHOUSE" TO EXPAND THEIR LIQUOR LICENSE FOR A SIDEWALK CAFÉ AREA APPROXIMATELY 30 FEET BY 6 FEET TO THE EAST AND WEST AT 633 NORTH 48TH STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80448 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Outback Steakhouse FL, Inc. dba "Outback Steakhouse" to expand its licensed premises by the addition of an area measuring 30 feet by 6 feet to the south of the presently licensed premises located at 633 North 48th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF IRIE INC. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 94 FEET BY 24 FEET AT 201 NORTH 8TH STREET ON OCTOBER 21, 2000 FROM 8:00 A.M. TO 1:00 A.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80449 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Irie Inc. for a Special Designated License to cover an area measuring 94 feet by 24 feet at 201 North 8th Street, Lincoln, Nebraska, on the 21st day of October, 2000, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF IRIE INC. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 94 FEET BY 24 FEET AT 201 NORTH 8TH STREET ON NOVEMBER 4, 2000 FROM 8:00 A.M. TO 1:00 A.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80450 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Irie Inc. for a Special Designated License to cover an area measuring 94 feet by 24 feet at 201 North 8th Street Lincoln, Nebraska, on the 4th day of November, 2000, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING MARSHA MISLE & CAROL SWIGART TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR 3-YR. TERMS EXPIRING SEPTEMBER 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80451 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Marsha Misle and Carol Swigart to the Air Pollution Control Advisory Board for a three-year term expiring September 1, 2003 is hereby approved.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING WAYNE HEYEN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A 3-YR. TERM EXPIRING SEPTEMBER 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80452 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Wayne Heyen to the Air Pollution Control Advisory Board for a three-year term expiring September 1, 2003 is hereby approved.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING KIP HULVERSHORN, KAREN PHILLIPS, & JUDY ROOTS TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR 3-YR. TERMS EXPIRING SEPTEMBER 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80453 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Kip Hulvershorn, Karen Phillips, and Judy Roots to the Air Pollution Control Advisory Board for a three-year terms expiring September 1, 2003 is hereby approved.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE SPECIAL ASSESSMENT LEVIED ON WEEDS DISTRICT NO. 9800 TO VOID THE ASSESSMENT ON PROPERTY LOCATED AT LOT 6, BLOCK 1, FRANKLIN HEIGHTS ADD. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80456 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the special assessment levied on Weeds District No. 9800 on the following real estate: Franklin Heights Addition, Block 1, Lot 6 (commonly

known as 1745 South 27th Street) Lincoln, Lancaster County, Nebraska, and shown in the Office of Treasurer for the County of Lancaster, Nebraska, as Account No. 0627798 is hereby declared to be void for the reason that the property owners were not properly notified of the assessment proceedings.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN "AT GRADE" STREET CROSSING ACROSS BURLINGTON NORTHERN SANTA FE RAILROAD PROPERTY IN W. INDUSTRIAL LAKE DR. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80457 WHEREAS, the City Council for the City of Lincoln, Nebraska on April 18, 1977, by Ordinance No. 11954, approved the plat for the subdivision known as West Gate Park for Business and Industry; and

WHEREAS, the City Council for the City of Lincoln, Nebraska on July 9, 1979, by Ordinance No. 12631, approved the plat for the subdivision known as Capital Beach East Addition; and

WHEREAS, the Burlington Northern Santa Fe Railroad owns and maintains a railroad track running between the above named subdivisions; and

WHEREAS, the platted street known as West Industrial Lake Drive exists in both of the above named subdivisions; and

WHEREAS, due to the lack of an at grade crossing over the Burlington Northern Santa Fe Railroad track at West Industrial Lake Drive access for emergency vehicles and the residents of Capital Beach East is limited to one location; and

WHEREAS, the City Council for the City of Lincoln has determined that the installation of a railroad at grade crossing over the Burlington Northern Santa Fe Railroad track at West Industrial Lake Drive is necessary and desirable for the health, safety, and welfare of the residents of Capital Beach East Addition for the reason that the railroad crossing would provide an additional access point to Capital Beach East for the residents and emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That for the reasons of increased safety and enhanced access to Capital Beach East Addition, it is necessary to have constructed an at grade railroad crossing over the Burlington Northern Santa Fe Railroad track at West Industrial Lake Drive.

2. That this resolution shall serve as the City of Lincoln's request and direction to Burlington Northern Santa Fe Railroad to construct, in conjunction with the City, an at grade railroad crossing over the Burlington Northern Santa Fe Railroad track at West Industrial Lake Drive as shown on the attached drawing which is marked as Attachment "A".

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS" & TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS" - PRIOR TO READING:

SENG Moved to delay Public Hearing & Action to 10/9/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-59 - AMENDING THE 1994 LINCOLN/ LANCASTER COUNTY COMP. PLAN TO AMEND CHAPTER 4, TRANSPORTATION, AS IDENTIFIED IN THE "LONG RANGE TRANSPORTATION PLAN", REVIEW DRAFT REPORT - PRIOR to reading:

FORTENBERRY Moved to delay action on Bill #00R-270 for one week to 10/9/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SENG Moved to reconsider the delay for action.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SENG Moved to amend Bill #00R-270 in Chapter 4 of the Comprehensive Plan on page 39, Section 6, at end of paragraph of Needs Analysis Study Area, "If necessitated, the proposed Needs Analysis Study for a potential roadway crossing of the Wilderness Park shall give special consideration to the unique environmental character of the Park and the previous planning efforts that have occurred for that area".

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who

moved its adoption:

A-80459 WHEREAS, the Planning Director has made application to amend the Lincoln City-Lancaster County Comprehensive Plan (1994) by amending Chapter 4, Transportation, as identified in the Review Draft Report: Long Range Transportation Plan, dated July 31, 2000 and associated maps, figures and other supporting documentation; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment with a recommendation that all references to the Boulevard Concept for Public Way Corridors be deleted from the Review Draft Report Long Range Transportation Plan dated July 31, 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Lincoln City-Lancaster County Comprehensive Plan (1994) be and the same is hereby amended by amending Chapter 4, Transportation, as recommended by the Lincoln City-Lancaster County Planning Commission and as shown in the Review Draft Report: "Chapter 4, Transportation" City-County Comprehensive Plan (a.k.a. Long Range Transportation Plan), City of Lincoln and Lancaster County, Nebraska, July 31, 2000, (with Amendments of 9/6/00) a copy of which is attached hereto, marked as Attachment "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PROCLAIMING THE WEEK OF OCTOBER 1 - 7, 2000 AS "PUBLIC POWER WEEK" - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80460 WHEREAS, the citizens of the City of Lincoln, Nebraska, are proud of the choice made to operate a community-owned, non-profit electric utility and, because of that choice, are both customers and owners of the Lincoln Electric System (LES); and

WHEREAS, LES provides homes, businesses, farms, social service and government agencies with reliable, efficient, and cost-effective electricity, employing sound business practices designed to ensure the best possible service at the lowest possible rates, with direct local control of present and future electric energy resources; and

WHEREAS, public ownership of LES assures cost-based, non-profit electric rates and local control of electric utility operations and policies; and

WHEREAS, nationwide surveys show electric energy costs in Lincoln are generally in the lowest 10 percent of the nation, and LES continually demonstrates responsiveness to customer-owners and community needs through energy audits, energy conservation assistance, customer assistance, and commitment to the environment through its Renewable Energy Program; and

WHEREAS, LES is one of a community of over 2,000 public-owned electric utilities in the United States, ensuring competition in the electric utility industry and benefitting all electric customers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the week of October 1-7, 2000 be designated Public Power Week in Lincoln, Nebraska, in order to honor LES, its employees, and its customer-owners, who work together to provide the best possible electric service; and

BE IT FURTHER RESOLVED, that the Lincoln City Council joins the LES Administrative Board and all publicly-owned electric utilities in Nebraska and throughout the nation in celebrating the public benefits of public power.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 9, 2000 AT 1:30 P.M. ON THE MAN. APP. OF ROBERT D. ROSENTHAL FOR B & R STORES, INC. DBA "RUSS'S BISHOP HEIGHTS IGA" AT 4200 S. 27TH STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80462 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 9, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Robert D. Rosenthal for B & R Stores, Inc. dba

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"Russ's Bishop Heights IGA" at 4200 S. 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 16, 2000 AT 1:30 P.M. ON THE APP. OF TWISTED STEELE, INC. DBA "THE BAR" FOR A RETAIL CLASS C LIQUOR LICENSE AT 1644 P STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80463 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 16, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Twisted Steele, Inc. dba "The Bar" for a Retail Class C Liquor License at 1644 P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 16, 2000 AT 1:30 P.M. ON THE MAN. APP. OF MATT VRZAL FOR TWISTED STEELE, INC. DBA "THE BAR" LOCATED AT 1644 P ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80466 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 16, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the

following Man. App. of Matt Vrzal for Twisted Steele, Inc. dba "The Bar" at 1644 P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF LABORATORY CHEMIST - WPC - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classification of "Laboratory Chemist - WPC", the first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF BUDGET AND ADMINISTRATIVE ANALYST I - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E" by deleting the job classification of "Budget & Administrative Analyst I" the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASSIFICATION OF GRANTS ADMINISTRATOR AND THE CLASSIFICATION OF AFFIRMATIVE ACTION OFFICER; BY CHANGING THE CLASSIFICATION OF BUDGET & ADMINISTRATIVE ANALYST II TO BUDGET & ADMINISTRATIVE ANALYST; AND BY DELETING THE JOB CLASSIFICATION OF MANAGER, LINCOLN AREA AGENCY ON AGING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "Grants Administrator," and "Affirmative Action Officer"; by changing the job classification "Budget & Administrative Analyst II" to "Budget & Administrative Analyst"; and by deleting the job classification of "Manager, Lincoln Area Agency on Aging", the first time.

VACATING A PORTION OF NORTH 60TH STREET FROM SEWARD AVE. SOUTH 142 FEET - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, vacating North 60th

Street from Seward Avenue south 142 feet, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATING A PORTION OF NORTH CODDINGTON AVENUE GENERALLY LOCATED SOUTH OF WEST S STREET - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, vacating a portion of North Coddington Avenue generally located south of Wet "S" Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 3275 - AMENDING SECTIONS 27.24.040(J) AND 27.63.340 OF THE LINCOLN MUNICIPAL CODE TO ALLOW OTHER THAN PROFESSIONAL OFFICES AS PERMITTED SPECIAL USES IN THE R-8 RESIDENTIAL ZONING DISTRICT - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Title 27 of the Lincoln Municipal Code by amending Sections 27.24.040 and 27.63.340 to allow other than professional offices as permitted special uses in the R-8 Residential Zoning District; and repealing Sections 27.24.040 and 27.63.340 as hitherto existing, the first time.

CHANGE OF ZONE 3281 - AMENDING CHAPTER 27.54 OF THE LINCOLN MUNICIPAL CODE TO DELETE SECTION 27.54.030 WHICH REQUIRES A MINIMUM OF ONE ACRES FOR P ZONING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 27.54 of the Lincoln Municipal Code relating to the P Public Use District by amending the introductory statement and repealing Section 27.54.030 of the Lincoln Municipal Code to delete the minimum one-acre requirement; and repealing the introductory statement of Chapter 27.54 as hitherto existing, the first time.

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, AND R-5 DISTRICTS (IN CONNECTION W/00R-279) - PRIOR to reading:

SENG Moved to delay Public Hearing to 10/16/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Cindy Johnson, amending Title 27 of the Lincoln Municipal Code by amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, and 27.19.040 to allow adult care centers to be approved as permitted special uses in the R-1, R-2, R-3, R-4, and R-5 zoning districts, respectively and adding a new section numbered 27.63.740 to provide conditions for such approval; and repealing Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, and 27.19.040 as hitherto existing, the first time.

CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 RESIDENTIAL & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00R-272) - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

MISCELLANEOUS BUSINESS

ORDINANCE NO. 17727 - CHANGE OF ZONE NO. 3207 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH ST. & OLD CHENEY ROAD - PRIOR to reading:

JOHNSON Moved to place Ord. No. 17727 on Pending.

Seconded by Camp & carried by the following vote: AYES: Camp, Fortenberry, Johnson, Shoecraft; NAYS: Cook, McRoy, Seng.

PENDING LIST -

AMENDING CHAPTER 12.20 OF THE LMC RELATING TO TREES & SHRUBBERY BY ADDING A NEW SECTION NUMBERED 12.20.025 TO PROVIDE FOR THE PLANTING OF STREET TREES ON PRIVATE PROPERTY PURSUANT TO AN EASEMENT AGREEMENT IF THERE IS INSUFFICIENT LAND AVAILABLE FOR THE PLANTING & PROPER GROWTH OF THE STREET TREE OR TREES

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IN THE PUBLIC RIGHT-OF-WAY. (7/31/00 - AMENDED) (8/7/00 - PLACED ON PENDING UNTIL SEPTEMBER) - DEPUTY CLERK requested Bill # 00-130 be removed from Pending for Action on 10/9/00.

CAMP So moved.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SENG Moved to extend the Pending List for 1 week.
 Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

SPECIAL PERMIT NO. 1851A - APPLICATION OF TABITHA, INC. AND TABITHA HOUSING CORPORATION, TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY AND ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN AND 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, AND WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH AND J STREETS. (IN CONNECTION W/00-181) - DEPUTY CLERK requested to delay Public Hearing & Action to 10/16/00.

SENG So moved.
 Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SENG Moved to approve the resolutions to have Public Hearing on Oct. 9, 2000.
 Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

4:08 P.M.

SENG Moved to adjourn the City Council Meeting of Oct. 2, 2000.
 Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, Deputy City Clerk

Judy Roscoe, Office Assistant III